

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
and JEFFREY G. McGONEGAL,

Defendants.

Civil No. 3:18-CV-02293 (FLW)(ZNQ)

**[PROPOSED] ORDER GRANTING
THE INDIVIDUAL
DEFENDANTS' MOTION TO
DISMISS THE CONSOLIDATED
SECOND AMENDED CLASS
ACTION COMPLAINT FOR
VIOLATION OF THE FEDERAL
SECURITIES LAWS**

Defendants John O'Rourke and Michael Beeghley's (together, the "Individual Defendants") Motion to Dismiss (the "Motion") Lead Plaintiff Dr. Stanley Golovac's ("Lead Plaintiff") Consolidated Second Amended Class Action Complaint was heard on May 3, 2021, in Room 5E of the above-captioned Court.

Having heard and considered all of the pleadings and records on file, and all papers in support of and in opposition to the Motion, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The Individual Defendants' Motion is GRANTED in its entirety.
2. Lead Plaintiff's First Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5(b) is dismissed with prejudice for failure to state facts sufficient to constitute a cause of action.
3. Lead Plaintiff's Second Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5(a) and (c) is dismissed as to the Individual Defendants with prejudice for failure to state facts sufficient to constitute a cause of action.
4. Lead Plaintiff's Third Cause of Action for Violation of Section 20(a) of the Exchange Act is dismissed with prejudice for failure to state facts sufficient to constitute a cause of action.

IT IS SO ORDERED.

Dated: _____, 2021

Hon. Freda L. Wolfson